

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 1, 2013  
7:00 P.M.**

***I. CALL TO ORDER***

Mayor Hovland called the meeting to order at 7:10 p.m.

***II. ROLL CALL***

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

***III. MEETING AGENDA APPROVED***

**Member Bennett made a motion, seconded by Member Swenson, approving the meeting agenda.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***IV. CONSENT AGENDA ADOPTED***

Member Sprague made a motion, seconded by Member Bennett, approving the consent agenda as revised to remove Items IV.A., Regular meeting minutes of September 17, 2013; and, IV.G., Engineering Services, Appeal of FEMA Proposal Flood Hazard Determinations, as follows:

**IV.A. ~~Regular~~, Approve closed and joint work session with Heritage Preservation Board meeting minutes of September 17, 2013**

**IV.B. Receive payment of the following claims as shown in detail on the Check Register dated September 19, 2013, and consisting of 25 pages; General Fund \$113,872.49; Police Special Revenue \$1,740.05; Pedestrian and Cyclist Safety \$55,642.82; Working Capital Fund \$909,731.66; Equipment Replacement Fund \$262.82; Art Center Fund \$1,229.98; Aquatic Center Fund \$583.96; Golf Course Fund \$18,739.54; Ice Arena Fund \$9,944.51; Edinborough Park Fund \$3,094.84; Centennial Lakes Park Fund \$3,859.13; Liquor Fund \$182,691.68; Utility Fund \$392,638.14; Storm Sewer Fund \$267,109.28; Recycling Fund \$34,192.80; PSTF Agency Fund \$8,547.48; Centennial TIF District \$150.00; TOTAL \$2,004,031.08 and for receipt of payment of claims dated September 26, 2013, and consisting of 32 pages; General Fund \$137,108.48; Police Special Revenue \$346.53; Working Capital Fund \$10,402.35; Art Center Fund \$6,532.60; Golf Dome Fund \$4,581.75; Aquatic Center Fund \$6,322.43; Golf Course Fund \$13,226.28; Ice Arena Fund \$8,901.56; Edinborough Park Fund \$1,916.45; Centennial Lakes Park Fund \$4,306.06; Liquor Fund \$209,001.00; Utility Fund \$94,416.78; Storm Sewer Fund \$8,187.85; PSTF Agency Fund \$561.04; Centennial TIF District \$207.84; Payroll Fund \$7,898.87; TOTAL \$513,917.87; and, Credit Card Transactions dated July 26, 2013–August 25, 2013; TOTAL \$37,788.41**

**IV.C. Authorize Amendment VI to the Medical Control and Direction Agreement, Hennepin HealthCare System, Inc.**

**IV.D. Request for Purchase, Contract No. ENG 13-19NB, Industrial Park Sidewalk, awarding the bid to the recommended low bidder, C.R. Fischer & Sons, Inc. at \$89,164.05**

**IV.E. Adopt Resolution No. 2013-86, Supporting Application for Hennepin County's 2014 Sidewalk Participation Program**

**IV.F. Approve Master Agreement Professional Engineering Services – BARR**

**~~IV.G. Engineering Services, Appeal of FEMA Proposal Flood Hazard Determinations~~**

**IV.H. Adopt Resolution No. 2013-87, Authorizing Joint Powers Agreement with the State of Minnesota-Minnesota Internet Crimes Against Children Task Force**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.A. REGULAR MEETING MINUTES OF SEPTEMBER 17, 2013 – APPROVED WITH AMENDMENTS**

Member Bennett requested that the following new paragraph be added to the September 17, 2013 regular meeting minutes on page five following the first motion indicating: “Member Bennett stated she supported two elements: the reduction in height and elimination of the second story setback, but that the changes all together did not, in her opinion, make the code clearer, more practical or more enforceable, as had been her goal, or reduce the possible mass of new construction.”

**Member Bennett made a motion, seconded by Mayor Hovland, approving the above stated amendment to the September 17, 2013 regular session minutes.**

Ayes: Bennett, Sprague, Hovland

Nays: Brindle, Swenson

Motion carried.

**Member Bennett made a motion, seconded by Mayor Hovland, approving the amended September 17, 2013 regular session minutes.**

Ayes: Bennett, Sprague, Hovland

Nays: Brindle, Swenson

Motion carried.

**IV.G. ENGINEERING SERVICES, APPEAL OF FEMA PROPOSAL FLOOD HAZARD DETERMINATIONS – APPROVED**

The City Council discussed its past action that resulted in successfully removing townhouses and single-family houses from the floodplain and that the City had underwritten those costs. Staff was asked how related costs could be charged to benefited property owners. City Engineer Houle explained this involved a holistic consideration and better quality of life issue, similar to that of a Storm Water Utility Fund. He indicated only the City could make such an appeal and these costs would not fund a remodel of the Creek but to indicate to FEMA that its approved model was incorrect. Mr. Houle indicated that should an additional appeal be required, staff would consider options for funding.

**Member Swenson made a motion, seconded by Member Bennett, approving engineering services, appeal of FEMA Proposal Flood Hazard Determinations.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. HENNEPIN COUNTY COMMISSIONER JAN CALLISON – UPDATE PROVIDED**

Commissioner Callison provided an update on the Hennepin County’s 2014 budget with a .98% increase over the current levy, youth sports grants, termination of passport services at Southdale due to changing federal regulations, increase in Library hours, 2014 wheelage tax, and topics of interest for Edina constituents. She recognized Member Brindle for her work on the southwest light rail corridor as well as Mayor Hovland for his contribution to the Corridor Management Committee.

The Council described several project needs along the York Avenue corridor and asked for Commissioner Callison’s assistance to develop a partnership with Hennepin County to further those projects. The Council thanked Commissioner Callison for representing the interests of Edina.

**V.B. 2013 FIRE PREVENTION WEEK – PROCLAIMED**

Mayor Hovland read in full a proclamation declaring Fire Prevention Week. **Member Sprague made a motion, seconded by Member Swenson, approving proclamation declaring October 6-12, 2013, Fire Prevention Week in the City of Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Interim Fire Chief Todd accepted the proclamation, described the educational programs offered, and thanked the Council for its continued support of the Fire Department.

***V.C. 2013 MNAPA'S EXCELLENCE IN COMMUNITY ENGAGEMENT AWARD – PRESENTED***

Member Brindle announced the City of Edina had received the 2013 Minnesota Chapter American Planning Association's (MNAPA's) Excellence in Community Engagement Award acknowledging the City's do.town initiative, and its vision and core values for quality of life for its residents.

***VI. PUBLIC HEARINGS HELD*** – Affidavits of Notice presented and ordered placed on file.

***VI.A. PRELIMINARY PLAT, 6609 BLACKFOOT PASS; GREAT NEIGHBORHOOD HOMES, INC. ON BEHALF OF DOUGLAS JOHNSON – RESOLUTION NO. 2013-82 – POSTPONED TO OCTOBER 14, 2013***

Mayor Hovland announced that the proponent had requested postponement to October 14, 2013. **Member Sprague made a motion, seconded by Member Brindle, postponing consideration of the Preliminary Plat, 6609 Blackfoot Pass; Great Neighborhood Homes, Inc. on behalf of Douglas Johnson and Resolution No. 2013-82, to October 14, 2013.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.B. PRELIMINARY PLAT AT 5 MERILANE FOR JOHN ADAMS ON BEHALF OF TED WARNER – APPROVED RESOLUTION NO. 2013-84 – ADOPTED***

Community Development Director Presentation

Community Development Director Teague presented the request of Ted Warner for a Preliminary Plat to subdivide 5 Merilane into three lots. He stated the median lot area in this neighborhood was 48,249 square feet, median lot depth was 277 feet, and median lot width was 192 feet. The proposed new lots would meet all minimum lot size requirements. If approved, the existing house would remain on Lot 2 and a new driveway constructed to serve the existing house as the current driveway would be located on proposed Lot 3.

Mr. Teague reviewed the consideration of the Planning Commission and advised that a motion to approve the request based on the findings and conditions as contained in the Planning Commission staff report failed for lack of a second. A motion to deny the request based on the finding that the subdivision as proposed would change the character and symmetry of the Rolling Green neighborhood, as a result of new house placement in close proximity to existing homes failed on a vote of 3-5. Mr. Teague stated staff recommended approval, as it meets the ordinance's subjective standards, subject to the findings and conditions as detailed in the staff report.

City Attorney Knutson advised that when considering a plat approval, the Council was acting in a quasi-judicial capacity in applying City ordinances and Statute to the facts as presented to determine whether it met the requirements of the ordinance. It was not a consideration of establishing policy. City Attorney Knutson stated if the subdivision met ordinance standards, the City lacked discretion to deny. He explained that courts construed the City's ordinances in the least restrictive manner to allow property owners to do what they wished with their property. The purpose of tonight's public hearing was to gather information on whether the facts as presented met the ordinance requirements. Denial could not be based on neighborhood comment but had to be based on the objective standards within the ordinance. He explained that conditions could be imposed that were ordinance based to assure compliance with ordinance standards.

Proponent Presentation

Charlie Carpenter, attorney representing the Warner family, thanked the Council for visiting the site and discussing the proponent's plans to become familiar with the proposed plat. Mr. Carpenter stated the

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subjective statements/conditions set forth in the subdivision ordinance (protecting character/symmetry of the community) distinguished from the standards relating to lot size and width. He read three statements from Minnesota Courts relating to consideration by local authorities of subdivisions and stated it was the proponent's position that statements within the City's ordinance lacked in providing a clear and objective standard. Mr. Carpenter stated the proponent believed the subdivision request did comply with the City's objective standards as contained in its ordinances and that "neighborhood" goes beyond the adjacent lots.

Mr. Carpenter addressed the drawing presented by John Adams last week based on comments by the Planning Commission relating to aesthetics of placing houses at the back of the three lots and suggestion to seek a variance to bring the house location forward. He displayed a new plan prepared by the proponent's surveyor to bring the houses forward to the 130-foot setback line and to add a buffer zone/conservation easement to provide screening to the Pohlad and Genau houses as well as between the three lots as viewed from the street. Mr. Carpenter stated based on this new plan, the proponent would agree to the following: to request variances to the front yard setback to the 130-foot line conditioned upon creating a permanent conservation easement to be recorded against each of the three lots; to be obligated to plant vegetation and trees according with a landscaping plan approved by the City; to construct no buildings in the conservation zone; to agree with a restrictive covenant that vegetation and trees within the conservation easement would remain in place; and, that it would be a perpetual conservation easement and binding on future owners of the three lots.

Mr. Carpenter requested Council approve the preliminary plat as submitted and provide guidance whether the neighborhood would be better served with the new plan that would require variances to the front yard setback of the three lots. If so, the proponent would petition the City for variances, work with the City Attorney to draft the conservation easement, and work with staff to develop the landscape plan.

Mr. Teague explained the process to consider approval of the preliminary plat and a subsequent variance application that would be considered by the Planning Commission. He indicated those considerations could occur separately, or together.

The Council asked questions of Mr. Carpenter relating to the genesis of the new plan that would require three front lot setback variances. Mr. Carpenter stated it was developed at the suggestion of the Planning Commission and he believed the conservation easement should be linked with the variance requests.

John Adams, realtor with Coldwell Banker Burnet representing the Warner family, stated he also received an e-mail from a resident suggesting the houses be moved forward to create more space in between. He explained the 130-foot setback was the average front yard setback along that side of the street. This method of calculating an average front yard setback had been used in Edina until three years ago. He described how the area of the conservation easement was customized and stated they were willing to run the 25-foot conservation easement along the property lines to the street.

The Council asked how the proponent could be legally bound to return with variance requests and conservation easement should the Preliminary Plat be approved tonight. Mr. Adams suggested a condition of approval to require the proponent to make variance application. City Attorney Knutson stated if the proponent agreed to that requirement, it would be legally binding.

Mayor Hovland opened the public hearing at 8:16 p.m.

### Public Testimony

Tom Owens, real estate lawyer representing Mary Pohlad of 7 Merilane and Michael and Sandra Genau of 6 Merilane, addressed the Council and requested a five-minute recess to consider the information just received. The Council agreed to briefly recess the meeting following Public Testimony.

Gerald Hulbert, 4616 Merilane, addressed the Council.

James Ganley, 4704 Merilane, addressed the Council.

Donna Roback, 18 Merilane, addressed the Council.

Suzanne Knelman, 4812 Rolling Green Parkway, addressed the Council.

Michael Genau, 6 Merilane,, addressed the Council.

David Evinger, 4 Merilane, addressed the Council.

**Member Swenson made a motion, seconded by Member Sprague, to recess the public hearing at 8:37 p.m.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Sprague made a motion, seconded by Member Bennett, to reconvene the public hearing at 8:47 p.m.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Tom Owens, real estate lawyer representing Mary Pohlad of 7 Merilane, and Mike and Sandy Genau of 6 Merilane, addressed the Council.

**Member Sprague made a motion, seconded by Member Swenson, to close the public hearing at 8:50 p.m.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council confirmed that houses could be constructed on each of the three lots without front yard setback variances or conservation easements. The Council asked staff to respond to questions relating to the accuracy of the median lot data as presented in the staff report, from the proponent's surveyor. Mr. Teague stated the Council could table consideration to allow time for staff to verify the numbers or a condition could be added that approval was subject to re-verification and that the new lots must meet all median lot size requirements. City Attorney Knutson recommended the proponent submit survey information for review by staff and if needed, the City would hire an outside consultant for verification. In addition, staff could review data provided by other surveyors to verify accuracy.

The Council acknowledged that a number of variances, at least seven, had been issued in this general area. With regard to area of notification and definition of "neighborhood," the Council considered whether an ordinance should be created that was neighborhood specific or included properties within the same plat. It was noted that Statute required notification to properties within 350 feet of the subject site; however, the City provided notice to properties within 500 feet of the subject site. The Council discussed the difference in ordinance guideline language between Sections 810 and 850. City Attorney Knutson pointed out that regardless of the Section, the ordinance language related to "guidelines." The Council reviewed ordinance Section 810.11 subd. 1. C. relating to guidelines as contained in the Comprehensive Plan. City Attorney Knutson stated the purpose of the Comprehensive Plan was to provide guidance in drafting ordinances.

The Council asked whether shape of lot was a consideration. City Attorney Knutson stated it was the Council's judgment whether the lot shape was objective. Mr. Teague stated he had generally looked at the issue of shape, finding other pie-shaped lots, but had not measured angles. The Council acknowledged the City had a single zoning code that applied to lots throughout the City even though there was great

variation (lot sizes/topography) between and within neighborhoods, which raised the question of whether the code was adequate. The issue was raised whether a professional planning consultant should be considered to review and standardize the code.

The Council found the essence of the issue was that while the lot qualified for a legal subdivision under the objective standards of the code, subdivision would cause impact on surrounding properties by clustering three houses on the back of the lots at the top of the hill. In addition, the supplemental information asked if there was some objectivity in using the old methodology to measure front yard setbacks and proffering a variance request to separate houses from each other and neighboring houses along with conservation easements to protect woodlands. The Council found a conservation easement would be an enhancement and align interests of the developer and adjacent neighbors.

The Council asked how staff would proceed to verify the numbers to assure the Council based its decision on accurate objective information. Mr. Teague stated the calculations were difficult, time intensive, and if directed, the City could engage a new consultant but it might take one month to complete that analysis. He stated the proponent had one year from the date of preliminary plat approval to submit the final plat. The City Attorney stated if the Council considered the preliminary plat tonight, resolution language could be included that the applicant shall apply for front yard setback variances for the three proposed lots and provide conservation easements over areas indicated at tonight's meeting in conjunction with the variance. He stated the conservation easement would result in adjusting the location of building pads to protect privacy of adjacent and existing houses.

Mr. Carpenter stated the resulting building area on Lot 1 would be within the setbacks and further constricted by the easement. The Council supported consideration of a setback from the conservation easement to create maximum privacy for abutting and neighboring houses. Mr. Carpenter assured the Council that would be accomplished by the conservation easement and he believed the market was a positive force because buyers want privacy.

The Council acknowledged the genesis of the new plan was in response to the suggestion by the Planning Commission for variances and conservation easements and letter from a resident encouraging relocating the houses on the lot. The Council agreed that a solution to address clustering would be to separate the houses, move the houses toward the street, and off the bluff. City Attorney Knutson stated staff would verify ownership of the outlot, lake area, and impact to the median calculation.

**Member Swenson introduced and moved adoption of Resolution No. 2013-84, Approving a Preliminary Plat at 5 Merilane, based on the following findings:**

- 1. The proposed Plat meets all required standards and ordinances for a subdivision.**
- 2. The subdivision would meet the neighborhood medians for lot width and depth and area.**
- 3. The applicant has located the driveways and home to minimize tree and slope disturbance.**

**And subject to the following conditions:**

- 1. The City must approve the Final Plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.**
- 2. Park dedication fee of \$10,000 must be paid prior to release of the Final Plat.**
- 3. Prior to issuance of a building permit, the following items must be submitted:**
  - a. Submit evidence of a Minnehaha Creek Watershed District approval. The City may require revisions to the Preliminary Plat to meet the District's requirements.**
  - b. Curb-cut permits must be obtained from the Edina Engineering Department. Driveway plans must be consistent with the proposed grading plan to preserve as many trees as possible.**
  - c. A grading plan subject to review and approval of the City Engineer.**
  - d. A construction management plan will be required for the construction of the new homes.**
  - e. Utility hook-ups are subject to review of the City Engineer.**

4. The applicant must apply for a variance for front yard setbacks for all three lots, consistent with the plan map presented at the October 1, 2013, Council meeting. The plan map included 130-foot front yard setbacks and conservation easements along the outer side lot lines in the rear yard to ensure house separation and tree preservation.
5. The 500-foot median calculations must be verified to ensure compliance with all minimum lot standards.

Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VII. COMMUNITY COMMENT**

No one appeared to comment.

**VIII. REPORTS / RECOMMENDATIONS**

**VIII.A. RESOLUTION NO. 2013-85 ADOPTED – ACCEPTING VARIOUS DONATIONS**

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

**Member Bennett introduced and moved adoption of Resolution No. 2013-85 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VIII.B. RESOLUTION NO. 2013-77 ADOPTED – SILVER OAK DEVELOPMENT ON BEHALF OF IRET PROPERTY; SITE PLAN REVIEW WITH A PARKING RAMP SETBACK AND PARKING STALL VARIANCE AT 6525-45 FRANCE AVENUE – APPROVED**

Community Development Director Presentation

Mr. Teague reviewed that this item had been tabled at the last meeting to allow time for the proponent to address issues that had been raised.

Proponent Presentation

James O'Shea, Collaborative Design Group, presented revised plans for a four-story, 60,000 square foot medical office building expansion and new parking ramp expansion to the Southdale Medical Office building. He noted the plans included taller trees around the parking ramp, intensive plantings along 66<sup>th</sup> Street and Drew Avenue, new locations for more bicycle racks, addition of a sidewalk into the site west of the drive entrance from West 66<sup>th</sup> Street, permeable paver drive per City standard, and public art in the central plaza. He stated the proponent's engineer would work with City staff to address appropriate driveway width.

Reid Schulz, Civil Engineer with Landform Professional Services, described the redesigned two-way, 24-foot wide, delivery access to the loading area. He also described the minimized apron and drive aisle within the paved setback, remaining truck apron to accommodate truck movements, and how a box truck would maneuver to back into the loading area. Mr. Schulz then presented details of the landscaping, noting incorporation of a retaining wall, with the backside of the five-foot berm planted with mature trees and incorporation of a plaza area and two sidewalks.

The Council voiced support for the alternate design as it separated truck and car traffic and slowed the speed of vehicles.

Mr. O'Shea displayed pictures of the existing garage and stated they now proposed to remove the ramp, return the north setback to the City, and address the street with landscaping. He then displayed a picture of the new proposed ramp, noting the location of the plaza to better engage citizens and the street in a

primary, secondary, and tertiary manner. Mr. Schulz stated the vertical element depicted in grey would create depth and the canopy at the corner would be extended down the wall. He stated this was a modern classical design with the lower one or two levels open and the use of maintenance free silver colored metal material/mesh (50% transparent) instead of louvers.

The Council considered whether it would be more architecturally interesting to have the same elements through out with more space (transparency) to allow a higher level of light entry and eliminate the traditional ramp appearance. Mr. O'Shea stated that option could be drawn up to determine whether it would be more aesthetically pleasing. Mr. O'Shea stated they might consider precast on the office building as well to assure consistency.

Paul Reinke, Silver Oak Development, explained that as Condition 13 was worded, it would create conflict with tenant agreements allowing delivery from 5 p.m. to 7 a.m. The Council agreed to consider this revision.

**Member Swenson introduced and moved adoption of Resolution No. 2013-77, Approving a Site Plan with Variances at 6525-45 France Avenue to Build a 60,000 Square Foot Addition and Parking Ramp Expansion for the Southdale Medical Office Campus, based on the following findings:**

- 1. The proposal would meet the required standards and ordinances for a Site Plan with the exception of the parking space and ramp variances.**
- 2. WSB conducted a parking and traffic impact study. The study concluded that the existing roadway system would support the proposed project; and, the parking on the site would contain adequate parking to support the expansion and existing uses.**
- 3. The variances are reasonable. As mentioned, the setbacks for the parking ramp expansion, match the existing setbacks. The parking study concludes that the proposed addition and existing uses on the site would be supported by the existing parking facilities. Traditionally, the City of Edina has not required parking stalls, when they are not needed. Additional parking could be provided by adding levels to the existing parking ramps if needed.**
- 4. The parking ramp could be expanded should there ever be a need for additional parking for the site.**

**And subject to the following condition:**

- 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:**
  - **Site plan date stamped July 26, 2013 and September 10 and 26, 2013**
  - **Loading Dock Alternative #1 presented at the Council meeting on October 1, 2013**
  - **66<sup>th</sup> Street Parking Ramp Elevation presented at the Council meeting on October 1, 2013**
  - **Grading plan date stamped July 26, 2013**
  - **Landscaping plan date stamped July 26, 2013 and revised on September 11 and 26, 2013**
  - **Lighting plan date stamped July 26, 2013**
  - **Building elevations date stamped July 26, 2013, September 10, 2013, and September 26, 2013**
  - **Building materials as presented at the Planning Commission and City Council meeting**
- 2. Prior to the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Trees planted in front of the loading dock shall be 12 feet tall at the time of planting. Additionally, a performance bond, letter of credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.**
- 3. The property owner is responsible for replacing any required landscaping that dies.**
- 4. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.**
- 5. Compliance with conditions required by the City Engineer in his memo dated August 22, 2013.**
- 6. Should delays and queuing become an issue at the France Avenue/65<sup>th</sup> Street intersection in the future, minor intersection turn lane and phasing improvements may be necessary. Should these**



improvements be required in the future, Fairview Southdale Hospital will be responsible for their share of those improvements.

7. Building plans are subject to review and approval of the Fire Marshal at the time of building permit.
8. The driveway entrance/exit off 66<sup>th</sup> shall be reduced in width subject to review and approval of the plans by the City Engineer at the time of building permit approval. Sidewalk crossing across the drive entrance/exit shall be stamped or colored concrete.
9. The applicant must enter into a proof of parking agreement with the City to ensure the necessary parking space will be provided, if needed. Should parking become a significant problem, staff will require the proof of parking stalls constructed by adding the addition to the parking ramp.
10. A total of 75 bike racks shall be installed as close to public entrances as possible.
11. A sidewalk connection west of the new entrance/exit must be added to connect to the sidewalk along the front of the building facing France Avenue. The sidewalk crossing the drive aisle shall be built with a stamped or colored concrete.
12. Parking ramp façades must include design elements such as louvers for screening.
13. Semi-truck deliveries shall be limited to only between the hours of 5:00 p.m. to 7:00 a.m. weekdays and weekends.
14. The replaced sidewalks along Drew and 66<sup>th</sup> Street shall be constructed with permeable pavers subject to review and approval of the City Engineer.
15. Create a daytime lane separation for truck traffic in front of the loading dock. Eliminate the connection of the sidewalk just south of the loading dock from connecting to the ramp. Lane separation shall be subject to review and approval of the City Engineer.
16. Add public art in the boulevard to the new turn around in front of the new building.
17. Increased and mature landscaping must be added along Drew Avenue to screen the ramp.

Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Ted Holms, IRET, thanked the Council for this consideration and stated they were excited to complete this project.

#### ***VIII.C. RESTORATION OF NEIGHBORHOOD RECONSTRUCTION PROJECTS***

Engineer Houle explained the rationale to no longer restore boulevards with sod, benefits of using hydro-seeding, and reported on the status of turf restoration following neighborhood reconstruction projects.

The Council discussed boulevard restoration conditions along collector streets and whether it delivered what residents had expected. It was pointed out that the City delivered more value in rights-of-way with sidewalk and pedestrian ways; however, turf restoration had not always achieved the same level of expectation. Mr. Houle stated there was now a 90-day watering requirement that had produced better results. He indicated that with Tracy Avenue and 70<sup>th</sup> Street, staff would-review boulevard conditions and determine whether further restorative work and/or weed management was necessary. He also noted that, in general, another boulevard option was to restore with day lilies rather than turf.

The Council agreed that at some point, property owners need to take “ownership” of the boulevard area outside of the contractor’s maintenance period. It was discussed whether a longer contractor maintenance period should be consider on collector roadways, as “ownership” by the adjacent property owner was lower than experienced along residential roadways.

The Council supported use of hydro-seeding with a 90-day contractor warranty and asked staff to assure the use of salt resistant seed along collector streets that were salted during winter weather conditions. Staff was also asked to determine whether there would be cost benefit for the City, rather than contractor, to hydro seed.

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**IX. CORRESPONDENCE AND PETITIONS**

**IX.A. CORRESPONDENCE**

Mayor Hovland acknowledged the Council's receipt of various correspondence.

**IX.B. EDINA HUMAN RIGHTS & RELATIONS COMMISSION ADVISORY COMMUNICATION – IMMIGRATION REFORM RECOMMENDATION – RECEIVED**

**IX.C. RECEIVE PETITION:**

**IX.C. 1. DALE RASMUSSEN OPPOSING SIDEWALK IMPROVEMENT – RECEIVED**

**IX.D. MINUTES:**

- 1. ENERGY & ENVIRONMENT COMMISSION, JULY 11, 2013, AND AUGUST 8, 2013**
- 2. VETERANS MEMORIAL COMMITTEE, AUGUST 23, 2013**
- 3. TRANSPORTATION COMMISSION, AUGUST 15, 2013**
- 4. PLANNING COMMISSION MINUTES, SEPTEMBER 11, 2013**
- 5. ARTS & CULTURE COMMISSION, AUGUST 22, 2013**
- 6. HUMAN RIGHTS & RELATIONS COMMISSION, AUGUST 27, 2013**

Informational; no action required.

**X. AVIATION NOISE UPDATE**

**X.A. AUTHORIZE PUBLIC COMMENTS TO FEDERAL AVIATION ADMINISTRATION – APPROVED**

The Council reviewed and discussed a draft letter requesting the Federal Aviation Administration to conduct a full environmental impact assessment prior to Performance Based Navigation (PBN) implementation. **Member Swenson made a motion, seconded by Member Bennett, authorizing the City Manager to prepare and execute a letter on behalf of Edina indicating the City wanted RNAV implementation to be subject to environmental review.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**XI. MAYOR AND COUNCIL COMMENTS – Received**

The Council discussed whether the subdivision ordinance should be revised to separate subdivisions requiring variances, to address whether bodies of water should be included within lot area, and areas of notification. The Council agreed the Planning Commission does not have time to take on this task in its full form so in this instance, other options should be considered. Manager Neal stated staff would review options and provide a recommendation.

**XII. MANAGER'S COMMENTS – Received**

**XIII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:24 p.m.

Respectfully submitted,

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Jane Timm, Deputy City Clerk

Minutes approved by Edina City Council, October 14, 2013.

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James B. Hovland, Mayor

Video Copy of the October 1, 2013, meeting available.